

AMENDED IN ASSEMBLY MAY 10, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**Assembly Concurrent Resolution**

**No. 140**

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**Introduced by Assembly Member Adams**

February 25, 2010

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Assembly Concurrent Resolution No. 140—Relative to incarceration.

LEGISLATIVE COUNSEL'S DIGEST

ACR 140, as amended, Adams. Undocumented foreign nationals: incarceration: reimbursement.

This measure would urge the Governor to demand that the federal Bureau of Justice Assistance reimburse the State of California for all costs of incarcerating undocumented foreign nationals.

Fiscal committee: no.

1 WHEREAS, Immigration policy and controlling our nation's  
2 borders are clear, fundamental responsibilities of the federal  
3 government; and

4 WHEREAS, The federal government has failed to discharge its  
5 fundamental responsibilities, and, as a consequence, high-impact  
6 states like California face extraordinary costs associated with  
7 incarcerating undocumented foreign nationals; and

8 WHEREAS, The federal State Criminal Alien Assistance  
9 Program (SCAAP), governed by the federal Immigration and  
10 Nationality Act, requires the federal government to reimburse the  
11 State of California and local governments for the cost of  
12 incarcerating undocumented foreign nationals; and

13 WHEREAS, SCAAP provides federal payments to states and  
14 localities that incur costs for incarcerating criminals who were

1 born outside the United States or one of its territories and have no  
2 reported or documented claim to United States citizenship, who  
3 have at least one felony or two misdemeanor convictions for  
4 violations of state or local law, and who are incarcerated for at  
5 least four consecutive days during the reporting period; and

6 WHEREAS, The United States Department of Justice through  
7 the federal Bureau of Justice Assistance (BJA) administers SCAAP,  
8 in conjunction with the Bureau of Immigration and Customs  
9 Enforcement, Department of Homeland Security; and

10 WHEREAS, The annual cost of incarcerating an inmate at a  
11 state prison is now \$51,670, according to statistics from the  
12 Legislative Analyst's Office; and

13 WHEREAS, For the last reporting period by the BJA, the State  
14 of California received \$118,030,160 in reimbursement for 32,806  
15 eligible inmates, a return of \$3,598 per inmate; and

16 WHEREAS, Much of the incarcerating costs are borne by  
17 counties and cities, most of which traditionally operate with slim  
18 budgets and staffing; and

19 WHEREAS, For the last reporting period by the BJA, counties  
20 and cities in California received \$43,717,418 in reimbursement  
21 for 66,386 eligible inmates, a return of \$659 per inmate; and

22 WHEREAS, Despite the continued increasing costs associated  
23 with the incarceration of undocumented foreign nationals, no funds  
24 are provided for SCAAP, for the purposes of assisting states, in  
25 the President's 2010 budget request; and

26 WHEREAS, The federal government has not met its national  
27 immigration policy obligations or adequately compensated the  
28 State of California or its local governments for the costs of  
29 incarcerating undocumented foreign nationals in its prisons and  
30 jails; now, therefore, be it

31 *Resolved by the Assembly of the State of California, the Senate*  
32 *thereof concurring*, That the Legislature hereby urges the Governor  
33 to demand that the BJA reimburse the State of California for all  
34 costs of incarcerating undocumented foreign nationals; and be it  
35 further

36 *Resolved*, That the Chief Clerk of the Assembly transmit copies  
37 of this resolution to the ~~author for appropriate distribution~~ *President*  
38 *and Vice President of the United States, to the Speaker of the House*

- 1 *of Representatives, and to each Senator and Representative from*
- 2 *California in the Congress of the United States.*

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